

D/L. 30
February 8, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 69 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 in connection with New Jalpaiguri Police Station Case No. 1272 of 2022 dated 04.12.2022 under Sections 376(2)(f)(n)/109/506 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of: Anil Kumar Chakraborty

.... Petitioner

Mr. Biswarup Roy

... for the petitioner

Mr. A. S. Chakraborty,
Mr. S. S. Sikdar

... for the State

Learned counsel for the petitioner contends that the petitioner is about 76 years old. To satisfy a vendetta regarding property dispute against the petitioner and his wife, who are the maternal grandparents of the victim, the present complaint was lodged. It is, thus, submitted that the petitioner be released on bail. It is also contended that the first instance of alleged abuse took place when the victim girl was studying in Class-V. However, the complaint was lodged after she became major. Such chronology of events itself casts a doubt on the allegations.

Learned counsel for the State vehemently opposes the prayer for bail and submits that the nature of the complaint is extremely grave. It is submitted that as per the version of the victim, she was abused and ravished repeatedly from Class- V onwards by the petitioner, her own maternal grandfather, till she attained adulthood. In view of innocence and fear due to her immature age, the victim could not make a proper complaint previously. However, the medical report clearly indicates that there are old signs which indicate past intercourse. Moreover, it is submitted that the victim's parents had to shift to a different rented accommodation to save their daughter from her maternal grandparents.

It is also submitted that in view of the extremely serious nature of the alleged crime, the petitioner may not be released on bail.

After careful consideration of the rival submissions of the parties, we are of the considered opinion that the grant of bail might influence the trial in the present case. More importantly, the extreme gravity of the complaint alleged against the petitioner prevents us from granting bail to the petitioner irrespective of the advanced age of the petitioner.

Accordingly, CRM (DB) 69 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)